

REMARKS

Applicant respectfully requests reconsideration of this application in view of the forgoing amendments and the following remarks.

Rejections under 35 U.S.C. §102(b)

The Office rejected Claims 1, 3, 4, 7, 9, 10, 12, 13 and 18-20 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,435,124 to Channell (hereinafter, "Channell").

Applicant respectfully traverses these rejections. Nevertheless, without conceding the propriety of the rejection, and to expedite prosecution of the application, Claims 1, 19, and 20 have been amended for clarification. Support for the claim amendments can be found in the original disclosure at least at page 4, paragraph 0015 and Figures 1 and 4.

Claims 1 and 7

Claims 1, 19 and 20 as amended, recite:

1. A ground rod cap, comprising:

A ground rod cap, comprising:

a crown portion, the crown portion comprising a cylindrical cavity for receiving a ground rod, the cylindrical cavity protruding from the crown portion and having a first end for receiving the ground rod and a second end for engaging an end of the ground rod; and

a support portion connected to the crown portion, the support portion comprising a curved wall having an inner surface and an outer surface, wherein the inner surface defines a hollow cylinder that surrounds a ground rod clamp attaching a ground wire to the ground rod, such that the location of the ground rod, ground rod

clamp, and ground wire attachment is surrounded by a cylindrical void. (Emphasis added)

19. A ground rod cap, comprising:

a closed end;

an open end opposite the closed end,

an outer surface;

an inner surface; and

a ground rod receptacle within the ground rod cap, the ground rod receptacle protruding from the closed end towards the open end of the ground rod cap, the ground rod receptacle comprising a central cavity within the ground rod receptacle to receive a ground rod, the central cavity having a first end for receiving the ground rod and a second end for engaging an end of the ground rod, the ground rod receptacle further defining curved side surfaces which are surrounded by a cylindrical void within the ground rod cap. (Emphasis added)

20. A ground rod cap, comprising:

a crown portion comprising:

a domed surface having a closed first end and an open second end;

a ground rod receptacle, the ground rod receptacle protruding from the closed first end towards the open second end, the ground rod receptacle comprising a central cavity within the ground rod receptacle to receive a ground rod, the central cavity having a first end for receiving the ground rod and a second end for engaging an end of the ground rod; and

a support portion comprising a cylindrical wall, wherein the cylindrical wall is connected to the open second end of the domed surface to define a hollow cylindrical opening configured to cover a ground rod clamp for attaching a ground wire to the ground rod. (Emphasis added)

Channell (U.S. 3,435,124)

Channell discloses a stake for pedestal and direct burial of telephone, television and power cables. The plastic stake is open at both ends and includes provisions for hermitically sealing the stake. The stake also includes provisions for

grounding the cables inside the stake including a metal terminal block 5 and a grounding support post 6 attached to the side of the stake. (Column 1, lines 12-26, Column 3, lines 27-43)

Applicant submits that Channell fails to disclose each and every element of Claims 1, 19 and 20. Specifically, Channell fails to disclose “the cylindrical cavity protruding from the crown portion and having a first end for receiving the ground rod and a second end for engaging an end of the ground rod” as recited in Claim 1, “the ground rod receptacle protruding from the closed end towards the open end of the ground rod cap, the ground rod receptacle comprising a central cavity within the ground rod receptacle to receive a ground rod, the central cavity having a first end for receiving the ground rod and a second end for engaging an end of the ground rod,” as recited in Claim 19 and “the ground rod receptacle protruding from the closed first end towards the open second end, the ground rod receptacle comprising a central cavity within the ground rod receptacle to receive a ground rod, the central cavity having a first end for receiving the ground rod and a second end for engaging an end of the ground rod “ as recited in Claim 20 (Emphasis added).

Channell discloses that “the stake would be provided with a transverse opening 45 for receiving the hook 43...while portion 41 is passed through the slot of the stud” (Column 4, lines 15-18, Figures 3 and 4). Channell further discloses

that “the ground support post 6 pass through the slot in the stud 35 to hold said support in position” (Column 4, lines 5-7, Figures 3 and 4).

It is clear from Figures 3 and 4, and the language of the specification, that Channell lacks a cylindrical cavity which protrudes from the crown portion, the central cavity having a first end for receiving the ground rod and a second end for engaging an end of the ground rod. Accordingly, Applicant respectfully submits that Claims 1, 19 and 20 are allowable over Channell.

Claims 3, 4, 7, 9, 10, 12, 13, and 18

Claims 3, 4, 7, 9, 10, 12, 13, and 18 depend from independent Claim 1 and are allowable at least due to their dependency from Claim 1, as well as for the additional features that each recites.

Rejections under 35 U.S.C. §103(a)

The Office rejected Claims 6, 16 and 17 under 35 U.S.C. §103(a) as being unpatentable over Channell (U.S. Patent 3,435,124). Applicant respectfully traverses this rejection.

Claims 6, 16 and 17

As previously noted, Channell fails to disclose “the crown portion comprising a cylindrical cavity for receiving a ground rod, the cylindrical cavity protruding from the crown portion and having a first end for receiving the ground rod and a second end for engaging an end of the ground rod” as recited in Claim 1 (Emphasis added).


The foregoing features also would not have been obvious in view of Channell, since there is no suggestion in Channell of the foregoing features. Claims 6, 16 and 17 depend from Independent Claim 1 and include all the limitations of independent Claim 1. Accordingly, Applicant respectfully submits that Claims 6, 16 and 17 are allowable over Channell.

CONCLUSION

Applicant respectfully submits that Claims 1, 3, 4, 6, 7, 9, 10, 12, 13, and 16-20 are in condition for allowance, and respectfully requests reconsideration and issuance of the subject application. Should any matter remain unresolved, the undersigned respectfully requests a telephone conference with the Examiner to resolve any outstanding matter.

Respectfully Submitted,

Date: 3 August 2007

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